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14 IBAHN CORPORATION

15 UNITED STATES DISTRICT COURT
16 FOR THE CENTRAL DISTRICT OF CALIFORNIA
17 WESTERN DIVISION

18 NOMADIX, INC.,

19 Plaintiff,

20 v.

21 HEWLETT-PACKARD COMPANY, et
22 al.,

23 Defendants.

24 AND RELATED COUNTERCLAIMS
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Case No. CV-09-08441 DDP (VBKx)

**IBAHN CORPORATION'S
ANSWER TO NOMADIX, INC.'S
COUNTERCLAIMS**

Judge: Hon. Dean D. Pregerson

1 **IBAHN CORPORATION'S ANSWER TO NOMADIX, INC.'S**
2 **COUNTERCLAIMS**

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4 Defendant-Counterclaimant iBAHN Corporation (“iBAHN”) hereby submits
5 its Answer to the counterclaims of Plaintiff-Counter-defendant Nomadix, Inc.
6 (“Nomadix”) as follows:

7 **JURISDICTION AND VENUE**

8 1. iBAHN admits that Nomadix purports to bring this claim under the
9 Federal Declaratory Judgement Act, 28 U.S.C. §§ 2201 and 2202 and that this
10 Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and
11 1338(a). iBAHN, however, denies the merits of the claims asserted against it.

12 2. For the purposes of this action, iBAHN admits that the Court has
13 personal jurisdiction over it.

14 3. iBAHN admits that venue is proper in this district as to iBAHN, but
15 denies having committed any wrongful acts upon which venue allegedly is
16 based.

17 **PARTIES**

18 4. iBAHN lacks knowledge or information sufficient to form a belief
19 about the truth of allegations of paragraph 4.

20 5. iBAHN Corporation admits it is a corporation organized under the
21 laws of the state of Delaware with its principal place of business at 10757 S. River
22 Front Parkway, Suite 300, Salt Lake City, Utah 84095.

23 **FIRST CLAIM FOR RELIEF:**

24 **DECLARATORY JUDGMENT OF NONINFRINGEMENT**

25 6. iBAHN repeats and incorporates by reference its responses to the
26 allegations in paragraphs 1 through 5.

27 7. iBAHN admits the allegation in paragraph 7 of Nomadix’
28 Counterclaims.

1 8. iBAHN admits there is an immediate, real, and justiciable controversy
2 between iBAHN and Nomadix regarding the '754 patent. To the extent paragraph
3 8 contain any allegations, iBAHN denies the merits of the allegations.

4 9. iBAHN denies all of the allegations of the paragraph 9 of Nomadix'
5 Counterclaims.

6 10. iBAHN denies all of the allegations of the paragraph 10 of Nomadix'
7 Counterclaims.

8 **SECOND CLAIM FOR RELIEF:**

9 **DECLARATORY JUDGMENT OF INVALIDITY**

10 11. iBAHN repeats and incorporates by reference its responses to the
11 allegations in paragraphs 1 through 5 and paragraph 7.

12 12. iBAHN admits there is an immediate, real, and justiciable controversy
13 between iBAHN and Nomadix regarding the '754 patent. To the extent paragraph
14 12 contain any allegations, iBAHN denies the merits of the allegations.

15 13. iBAHN denies all of the allegations of the paragraph 13 of Nomadix'
16 Counterclaims.

17 14. iBAHN denies all of the allegations of the paragraph 14 of Nomadix'
18 Counterclaims.

19 **PRAYER FOR RELIEF**

20 These paragraphs set forth the statement of relief requested by Nomadix to
21 which no response is required. To the extent the statement contain any allegations,
22 iBAHN denies the merits of the allegations. iBAHN further denies that Nomadix is
23 entitled to any of the relief it requests against iBAHN.
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1 Dated: May 10, 2010

Respectfully submitted,

2 ORRICK, HERRINGTON & SUTCLIFFE LLP

3
4 /s/ Qudus Olaniran

5 Qudus B. Olaniran

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CERTIFICATE OF SERVICE

I hereby certify that on May 10, 2010, the foregoing was filed electronically.
Notice of this filing will be sent to all parties by operation of the Court's electronic
filing system. Parties may access this filing through the Court's system.

/s/ Qudus Olaniran
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